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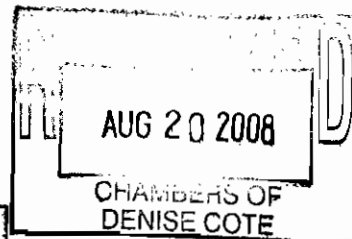
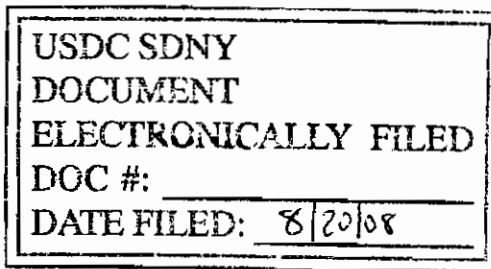
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MEMO ENDORSED

August 18, 2008

Honorable Denise L. Cote
United States District Court
Southern District of New York
500 Pearl Street, Room 1040
New York, New York 10007



Re: *Building Trades Employers' etc. v. Marchell, Case No. 08 CIV 4564 (DLC)*
Local 3's Reply to Plaintiff's Responses to Local 3's Submission

Enclosed herewith is the NLRB's Decision and Determination of Dispute dated August 15, 2008, which awards the work in dispute to employees represented by Local 3, International Brotherhood of Electrical Workers, AFL-CIO. The Board called attention to the proceeding before this Court in footnote 6 of its Decision.

This Court should dismiss the Complaint based upon the Board's Decision and upon the applicable law set forth in this Court's Opinion and Order dated June 13, 2008, including *Carey v. Westinghouse*, 375 U.S. 261 at 272 (1964).

Respectfully Submitted,

Norman Rothfeld
Norman Rothfeld (NR 0639)

cc: Gregory R. Begg, Esq. (via facsimile)
Richard Markowitz, Esq. (via facsimile)

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*Plaintiff and intervenors shall
respond by August 25, 2008.*

Denise Cote
August 20, 2008